

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

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| <b>IN RE: BLUE CROSS BLUE SHIELD</b><br><br><b>ANTITRUST LITIGATION</b><br><b>(MDL NO.: 2406)</b> | }<br>}<br>}<br>} | <b>Master File No.: 2:13-CV-20000-RDP</b> |
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**ORDER**

Pursuant to the court's October 1, 2020 Seventh Amended Scheduling Order (Exclusive to Provider Track), dispositive motions on issues of liability which are not critically dependent on the outcome of class certification are due on April 1, 2021. In recent consultation with Providers and the Blues, it appears that both sides seek to further re-visit the appropriate standard of review applicable to Providers' claims. Therefore, it is **ORDERED** as follows:

1. **On or before March 15, 2021**, counsel for Providers and the Blues **SHALL** (a) meet and confer regarding an *efficient* manner to revisit the standard of review issue as to Providers' claims, and (b) file a joint report containing a proposed aggressive briefing schedule.

2. Because the court believes that any further ruling on the standard of review applicable to Providers' claims will impact a decision on the appropriateness of class certification on those claims, **on the court's own motion**, the Clerk of the Court is **DIRECTED** to **TERMINATE** the pending Motion for Class Certification and Motions to Exclude Defendants' class certification experts. (Docs. # 2604, 2631, 2633, 2635, and 2639). After disposition of the standard of review issue, the court will confer with counsel for Providers and the Blues to determine whether the Motions may be reinstated, or whether revised briefing will be required.

**DONE** and **ORDERED** this March 5, 2021.

  
**R. DAVID PROCTOR**  
 UNITED STATES DISTRICT JUDGE